

IOWA UTILITIES BOARD

Safety & Engineering Section

TO: The Board

FROM: Don Stursma

DATE: December 16, 2016

SUBJECT: Revised Dakota Access Iowa Winter Construction Plan

On November 17, 2016, the Board issued an “Order Regarding Winter Construction” in Docket No. HLP-2014-0001, directing Dakota Access, LLC, to make certain modifications to its previously filed “Iowa Winter Construction Plan” (Plan). The modified Plan was to be filed within 14 days of the order.

On December 1, 2016, Dakota Access filed a second document titled “Iowa Winter Construction Plan”, this one dated November 2016. The previous Plan was dated August 2016. No filings have been made by other parties commenting on the modified Plan.

In accordance with the Board’s order:

- Language was added to Plan Section 3.6 to include land restoration activities as matters that may be deferred until spring if conditions are not suitable.
- Language was added to Section 3.7 to include all heavily saturated areas, not just thawing areas (although the title of the section remains “Thawing Conditions”).
- A new Section 5.0 titled “Recordkeeping” was added stating that a list will be maintained of Iowa parcels on which winter construction activities take place, and information on the number of parcels affected will be included in future weekly construction progress reports filed with the Board.¹

The changes made to the Iowa Winter Construction Plan appear to be in substantial compliance with the Board’s order of November 17, 2016.

¹ Weekly construction progress reports were required by the Board in its August 23, 2016 order titled “Order Requiring Information, Scheduling Oral Argument, and Issuing Temporary Remedy.”